**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Docket Number (Optional)

5693P003

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on December 23, 2005.

Signature

Typed or printed
name Jenny Kim

Application No.

10/059,815

Filed

January 28, 2002

First Named Inventor

Paul Christopher Eastham

Art Unit

2131

Examiner

Chai, Longbit

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a Notice of Appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

NOTE: No more than five (5) pages may be provided.

I am the:

- ☐ applicant/inventor.
- ☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under of 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)
- ☒ Attorney or agent of record.
Registration Number 39,602
- ☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 _____

Signature

Jordan M. Becker

Typed or printed name

(408) 720-8300

Telephone Number

12/23/05

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required.

☐ *Total of _____ forms are submitted.



Attorney Docket No.: 5693P003

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application for:

Paul Christopher Eastham

Serial No.: 10/059,815

Filing Date: 01/28/2002

For: METHOD FOR AUTOCONFIGURATION
OF AUTHENTICATION SERVERS

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Examiner: Chai, Longbit

Group Art Unit: 2131

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

December 23, 2005

(Date of Deposit)

Jenny Kim

(Printed name)

Jy K
(Signature)

12/23/05
(Date)

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Dear Sir:

Please consider the following arguments in support of the pre-appeal brief request for review.

ARGUMENTS

In response to the Final Office Action mailed on September 28, 2005, Applicant filed an Amendment and Response After Final Office Action Under 37 CFR §1.116 on December 19, 2005. Applicant canceled claims 1-9 in the Amendment and Response. Therefore, claims 10-29 stand rejected by the Examiner's Final Office Action currently.

As explained below, the rejection is based on clear error by the Examiner and the omission of one or more essential elements for a *prima facie* case.

§102 Rejections

Independent claims 12, 13, 22 and 26 stand rejected under 35 U.S.C. § 102(e) based on U.S. Patent no. 6,687,733, Manukyan ("Manukyan").

Claim 12 recites the limitation of automatically configuring a network cache so that the network cache is able to communicate with a database to authenticate a user.

In rejecting claim 12, the Examiner alleges that Manukyan teaches the above underlined limitation in claim 12. The Examiner also alleges that Manukyan's controller and interactive server daemon, collectively, qualify to be a network cache with respect to database server (Final Office Action, page 4). Applicant respectfully disagrees.

Manukyan does not teach or suggest a network cache. The controller and interactive server daemon, referred by the Examiner, individually or collectively, do not represent a network cache. As stated in Manukyan, "[a] daemon 56 is a program or application software to locate and open a designated port, such as 62, from which services are offered from server 44" (Manukyan: column 8, lines 30-33). "[A] controller 108 functions to provide a means to enable the client 14 to manage or control the services that are provided by the servers of the network 16" (Manukyan: column 18, lines 18-20). Neither the daemon 56 nor the controller 108, according to the above descriptions in Manukyan, even remotely teaches or suggests a network cache.

Furthermore, even assuming *arguendo* Manukyan discloses a network cache, Manukyan still does not teach or suggest automatically configuring a network cache so that the network cache is able to communicate with a database to authenticate a user. Manukyan teaches a method of automatically configuring a server, an interactive server, such that particular service(s)

of the server is/are made available to a client according to the client's account setup in a database. The configuration in Manukyan is actually done to predetermined system configuration files located in the interactive server in accordance to the client's account information stored in the database such that particular service(s) available to the client may be added, removed or modified (Manukyan: column 3, lines 4-15). Thus, Manukyan's method is an authorization method, i.e. determining whether access to the requested information is permitted or denied based upon predetermined access parameters associated with the client, not an authentication method, which determines whether the user requesting access is who he claims to be. Even assuming *arguendo* that Manukyan's method is an "authentication" method, the automatic configuration of the interactive server is not done to make the interactive server capable of communicating with a database to authenticate a user, as recited in claim 12. In addition, the database in Manukyan is not used to communicate with the interactive server for authentication purposes, but is used for the purpose of configuring the interactive server's predetermined configuration files.

The Examiner argues that "the interactive server communicates with a database server and the interactive server daemon is programmed to automatically configure/edit predetermined system configuration files including the configuration files that control the functions of authentication/verification" (see the Final Office Action, page 2). However, the communication between the interactive server and the database server is not for authentication purposes, but for the purpose of configuring the interactive server so that particular service(s) is/are made available to a client based on the client's account setup in the database. By contrast, in claim 12, the network cache is automatically configured so that the network cache is able to communicate with a database for the purpose of authenticating a user.

Therefore, Manukyan does not teach automatically configuring a network cache so that the network cache is able to communicate with a database to authenticate a user. Because Manukyan does not teach each and every limitation of claim 12, claim 12 and all claims which depend on it are patentable over Manukyan.

Similarly, claims 13, 22 and 26 all recite the limitation of automatically configuring a network cache so that the network cache is able to communicate with a database to authenticate a user. Thus, at least for the same reasons discussed above, claims 13, 22, 26 and all claims which depend on them are also patentable over Manukyan.

In addition, claim 13 recites a character string known by the operator to be within a user object located in a database such that the character string is used to automatically configure the network cache. By contrast, Manukyan does not teach or suggest the above limitation. The Examiner refers to Manukyan's abstract, column 17 lines 13-27 and column 17 lines 33-36 and alleges that these sections teach or suggest a character string, such as recited in claim 13. Applicant respectfully analyzed the referred sections, but did not find any teaching or suggestion regarding a character string known by an operator to be within a user object located in a database and used for automatically configuring a network cache, such as recited in claim 13.

At least for this additional reason, therefore, claim 13 and all claims which depend on it are patentable over Manukyan.

§103 Rejections

Independent claims 10 and 21 stand rejected under 35 U.S.C. § 103(a) based on U.S. Patent no. 6,321,259 Quellette et al. ("Quellette") in view of Manukyan. Applicant respectfully traverses the rejections and submits that the Examiner has not met the burden to establish a *prima facie* case under § 103(a), at least for the reason that Quellette and Manukyan do not teach or suggest, individually or in combination, all the claim limitations of claims 10 and 21, even assuming *arguendo* that Quellette teaches the listed limitations, as the Examiner alleges on Page 6 of the Office Action.

Claim 10 recites "...; storing the attribute name associated with the user ID in a configuration file in the network cache; ... storing the attribute names associated with the one or more group ID's in a configuration file in the network cache; ... and storing the attribute names in a configuration file in the network cache."

The Examiner admits that Quellette does not disclose expressly "storing the attribute names in a configuration file in the network cache", but contends that Manukyan does. In supporting his contention, the Examiner points to Manukyan's Abstract lines 1-10, column 17 lines 13-27 & lines 33-36, column 18 lines 41-44 and column 19 lines 6-10 & lines 33-41. (the Final Office Action, page 7). However, none of these cited discussions of Manukyan discloses or teaches storing the attribute names associated with user identities in a configuration file. Specifically, Manukyan's Abstract lines 1-10 discusses a server daemon which automatically locates, configures and edits predetermined system configuration files located in an interactive

server. Manukyan's column 17 lines 13-27 & lines 33-36 discusses generating "task" according to a client's account setup change and automatically executes the "task" to change the interactive server's configuration accordingly. Manukyan's column 18 lines 41-44 discusses using a controller to help a client to organize its account information. Manukyan's column 19 lines 6-10 & lines 33-41 gives a specific example of generating a "task" and executing the task to change the server configuration accordingly. Nothing is mentioned or even implicated with regard to writing attribute names associated with user identities into the predetermined system configuration files.

The Examiner further alleges that the configuration files in Manukyan may contain attribute names associated with user identities. However, Manukyan has explicitly made it clear that the "[s]ever configuration file is a program written in high level computer language that includes a list of executable commands, sequences and options that are required to be executed by the operating system of the server." (Manukyan: column 10 lines 23-30). Thus, the Examiner has no foundation to claim that the configuration files may contain attribute names associated with user identities.

In sum, because Manukyan and Quellette do not teach or suggest each and every limitation of claim 10, claim 10 and all claims which depend on it are patentable over the cited arts. For the same reasons, because claim 21 includes a similar limitation of storing attribute names, claim 21 and all claims which depend on it are patentable over the cited arts.


For the foregoing reasons, the present application is believed to be in condition for allowance, and such action is earnestly requested.

If any additional fee is required, please charge Deposit Account No. 02-2666.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date:

12/23/05


Jordan M. Becker
Reg. No. 39,602

Customer No. 48102
12400 Wilshire Boulevard
Seventh Floor
Los Angeles, CA 90025-1030
(408) 720-8300